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CONCORD, N.H.

W. Russell Hilliard, Director
Aeronautics Commission
Concord Airport
Concord, New Hampshire

Dear Mr. Hilliard:

You have requested this office to pass on the validity of promulgating zoning regulations excluding structures or trees 30' in height or less in areas adjacent to publicly-owned airports, where the Aeronautics Commission has formulated an airport approach plan as provided for in RSA 424:3.

If it is your judgment, as Director of the Aeronautics Commission, that structures and trees less than 30' in height do not require regulating by your Commission based on a study of airport approach plans for the publicly-owned airports in question, then in that event there appears to be no mandate requiring you to regulate structures and trees less than 30' in height. The guiding legal principle in respect to any regulations promulgated is that they will not be arbitrary or unreasonable but rather they will be based on factual conditions that require their promulgation.

Sincerely yours,

William J. Deachman
Assistant Attorney General

WJD/T